

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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5 WALTER HERNANDEZ AND
6 GILDA MEDRANO,

7 Plaintiffs,

8 v.

9 WMC MORTGAGE CORP., et al.,

10 Defendants.

11 NO. C10-5434 TEH

12 ORDER DISMISSING CASE

13 Defendant Kondaur Capital Corporation filed a motion to dismiss on December 6,
14 2010, and noticed its motion for hearing on January 24, 2011. Defendants BAC Home Loans
15 Servicing, L.P., and ReconTrust Company, N.A., filed a motion to dismiss on December 22,
16 2010, and noticed their motion for hearing on January 31, 2011. To date, Plaintiffs have
17 failed to file oppositions or statements of non-opposition, which were due on January 3,
18 2011, and January 10, 2011. In addition, Plaintiffs have not responded to a January 4, 2011
telephone call from the Court inquiring into Plaintiffs' failure to file opposition papers.

19 The Court issued two orders to show cause as to why this case should not be
20 dismissed for failure to prosecute – one on January 5, 2011, and another on January 12, 2011.
21 The orders provided that this case would be dismissed with prejudice if Plaintiffs failed to
22 file written responses to the orders to show cause on or before January 18, 2011. Plaintiffs

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1 have failed to do so, and this case is therefore dismissed with prejudice for failure to
2 prosecute, pursuant to Federal Rule of Civil Procedure 41(b). The Clerk shall close the file.
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4 **IT IS SO ORDERED.**

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6 Dated: 1/19/11



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THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT